

**United States District Court
District of Massachusetts** FILED
IN CLERKS OFFICE
Civil Action No. 04CV12721 RGS
2005 FEB 11 P 3:37

Randolph E. Green,
Plaintiff
Versus
Thomas J. May, President
Boston Edison Company DBA
NStar Electric Corporation,
Defendants, Etal.

U.S. DISTRICT COURT
DISTRICT OF MASS.

**Plaintiff's Opposition To
The Defendants Etal's Motion
To Dismiss and Other Defenses
As A Matter of Federal Law**

- (1.) Now comes the Plaintiff, Randolph E. Green, and hereby moves and files Plaintiff's opposition and defenses in opposition to the Defendants, etal's motion to dismiss as follows:

Question of Law

- (2.) Whether the record from the Secretary of State will clearly show beyond a reasonable doubt that Thomas J. May is the president of the Boston Edison Company and the DBA NStar Electric Corporation. Therefore Thomas J. May is the correct named party to this action, Docket number 044CV12721RGS beyond a reasonable doubt as a matter of federal law. The Defendants are not entitled to their motion to dismiss. See Exhibits, A, B, and C hereto attached, which are self-explanatory.

I, Plaintiff Randolph E. Green, claim and preserve my right to Title 42 USC Section 1981 of the Federal Civil Rights Act. ____ right under the federal law.

Question of Law

- (3.) Whether the Record from the Brookline District Court will clearly show beyond a reasonable doubt that Defendant Thomas J. May is the Chief Justice of the Brookline District Court and whether they have withheld exculpatory evidence as to who all the defendants are. See Exhibit B hereto attached.

(4.) Whether the Defendant Thomas J. May as president of the Boston Edison Company and the DBA NStar Electric Corporation, and is the Chief Justice of the Brookline District Court at the same time, may be in violation of Plaintiff's due process right of federal laws and plaintiff's equal protection right of federal law which is guaranteed to me by the Due Process Clause and the Equal Protection Clause of the fifth and fourteenth Amendments to the Constitution of the United States.

Question of Law

(5.) Whether the Defendant Thomas j. May, being involved in an actual act of conflict of inters as being the president of Boston Edison Company and the DBA NStar Electric Corporation, and the Chief Justice of the Brookline District Court, Norfolk County.

Question of Law

(6.) Whether the Defendant Thomas J May is in violation of the Code of Ethics and is in violation of his oath of office as the Chief Justice of Brookline District Court. The Defendant has perpetrated fraud on the court by claiming Plaintiff has named the wrong defendant, which in fact is a fraudulent and fictitious statement of a claim that is null and void, and is with out any merit whatsoever. Therefore, the Defendants are not entitled to their motion to dismiss and are liable for conflict of interest.

(7.) The Defendant filed a motion for summary judgment in the Roxbury District Court on or about Septemb4r 1, 2004, and the motion for summary judgment was denied on or about September 14, 2004 by the Court.

(8.) The Boston Edison Company and the DBA NStar Electric Corporation filed a complaint against me, the Defendant Randolph E. Green, by their attorney Thomas M. Palmer, claiming that Defendant owed Boston Edison Company and DBA NStar Electric Corporation \$8,213.46, which Plaintiff denied..

(9.) On or about March 10, 2004, as a defendant in the Roxbury District Court, Defendant denied owing the plaintiff the sum of \$8,213.46 for electric service power provided to the Defendant by the Plaintiff.

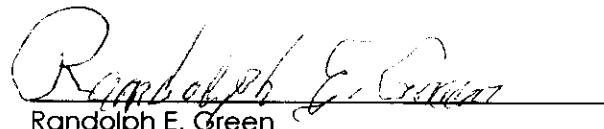
- (10.) I, Plaintiff Randolph E. Green have never received a demand notice from the Defendant for payment with reference to the said amount of the debt.
- (11.) The Defendant has willfully failed to submit to me a verification of the said amount in the sum of \$8,213.46, which is a denial of due process of the law and the equal protection of the law as is required by federal law pursuant to the Federal Fair Debt Collect Practice Act, which in fact is an act of Congress, Title 15 USCA Section 1692E, Section 2:17, Section 2:18, and Section 2:24 of the Act.
- (12.) That on or about March 9, 2004 the defendant Thomas J. May, President, Boston Edison Company and DBA NStar Electric Corporation violated, my, Plaintiff Randolph E. Green, due process right of the law and the equal protection right of law. Pursuant to the Federal Fair Debt Collection Practice Act, which is an act of Congress, Title 15 USCA Section 1692E, and Section 2:18, disputed, debt under the act, by the Plaintiff, including Section 2:17 of the Act.
- (13.) That on or about March 9, 2004, the Defendant Thomas J. May, President, Boston Edison Company and DBA NStar Electric Corporation violated the Federal Fair Debt Collection Practices Act pursuant to Title 14 USCA Section 1692E and Section 2:17 and Section 2:18 by willfully refusing to have obtained verification of the debt and served to me the Plaintiff, within 30-days after the debt had been denied on or about March 9, 2004.
- (14.) The Defendant has violated Plaintiff's Constitutional Right guaranteed by the due process clause and the equal protection of the 5th and 14th Amendments to the Constitution of the United States of America. For violation Title 15 USCA Section 1692E and Section 2:17, Section 2:18, and others.
- (15.) The Defendants, Etal have filed fraudulent false and fictitious claims against me, the Plaintiff, as when I was a Defendant in Civil Action No. 04CV62 filed in the Roxbury District Court.
- (16.) The Defendant in this case, filed an action in the Roxbury District Court was a Plaintiff claiming that I owed the Boston Edison Company DBA NStar Electric Corporation \$8,213.46, and in my answer to the Plaintiff's complaint, I denied owing

the said amount. Therefore the Defendant willfully failed to have served me, Plaintiff Randolph E. Green, with verification of the said debt which was in dispute as required by law, pursuant to the Federal Fair Debt Collection Practices Act, Title 15 USCA Section 1692E, Section 2:17, Section 2:18, and Section 2:24 of the Act

- (17.) The Defendant has proceeded to use undue burden against me the Plaintiff by using the abuse of misleading representation means and unfair debt collection with harassment, by filing false claims against the Plaintiff and including oppressive and outrageous conduct and unfair and deceptive practices that caused Plaintiff unnecessary physical and emotional stress to complicate Plaintiff's cardiovascular health. Defendant has violated Plaintiff's civil rights under Title 42 USC Section 1983 and Section 1985, and others.
- (18.) Plaintiff denied owing the Defendant \$8,213.46 back in February 2004.
- (19.) Fact continued. -----
- (20.) Fact continued. -----
- (21.) That records from the Secretary of State's office marked Exhibit A, and the summons from the Trial Court Brookline Division, marked as Exhibit B, and th4e Docket Sheets entries marked as Exhibit C from the Roxbury District Court will clearly show beyond a reasonable doubt that the Defendants, Etal have constituted an act of conspiracy, fraud and deceit; racial discrimination; deprivation of Plaintiff's due process right of federal laws; and the Equal protection Right of federal law guaranteed to me the Plaintiff, by the Due Process Clause and the Equal Protection Clause of the 5th and 14th Amendments to the Constitution of the United States of America.
- (22.) Plaintiff claims and preserves its Right to a trial by jury.
- (23.) Plaintiff claims and preserves and demands Plaintiff's right to a trial by jury in the above civil action, Docket No. 04CV12721RGS.
- (24.) **Wherefore the Plaintiff demands judgment against the Defendants for monetary damages and punitive damages in the amount of \$3,500,000.00 and such other relief as this court deems just for violation of Plaintiff's due process right, and Plaintiff's equal protection right guaranteed to the Plaintiff by the Due Process**

- Page 5 of 5 -

Clause and the Equal Protection Clause of the 5th and 14th Amendments of the United States Constitution; for violation of Title 15 USCA Section 1692 E, Section 2:17 and Section 2:18 of the Act; violation of Plaintiff's civil rights pursuant to Title 42 USC Section 1983 – deprivation of Plaintiff's rights; and violation of Title 42 USC Section 1985 – conspiracy against me, the Plaintiff and fraud pursuant to the Federal Digest and conflict of interest.



Randolph E. Green
8 Woodbine Street
Roxbury, MA 02119
617/ 445-6488

This is to certify that I, Plaintiff Randolph E. Green, has hereby given notice to the Defendant by sending a copy of this said document thereto by Regular U. S. Mail this 14 day of February 2005 addressed to Fanger, Palmer, Sharaf LLP – 144 Gould Street , Suite 14B – Needham, MA 02494.



Randolph E. Green

Exhibit A

City or Town: **BOSTON** State: **MA** Zip: **02199** Country: **USA**

The officers and all of the directors of the corporation:

Delete	Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code	Expiration of Term
<input type="checkbox"/>	PRESIDENT	THOMAS J. MAY	22 LONGMEADOW DR. WESTWOOD, MA 02090 USA	NONE
<input type="checkbox"/>	TREASURER	JAMES J. JUDGE	30 CUSHING HILL RD., HANOVER, MA 02339 USA	
<input type="checkbox"/>	CLERK	DOUGLAS S. HORAN	171 ASBURY ST., HAMILTON, MA 01982 USA	
<input type="checkbox"/>	DIRECTOR	SAME AS ABOVE	SAME SAME, MA 02339 USA	NONE

Select From Below 

Title:

Expiration of Term:

First Name:

Middle Name:

Last Name:

Suffix:

Residential Address:

City:

State:

Zip:

Country:

Business Address:

City:

State:

Zip:

Country:

- Same Person as - 

business entity stock is publicly traded:

The total number of shares and par value, if any, of each class of stock which the business entity is authorized to issue:

Class of Stock	Par Value Per Share Enter 0 if no Par	Total Authorized by Articles of Organization or Amendments Num of Shares	Total Par Value	Total Issued and Outstanding Num of Shares
Select from Below 	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="button" value="Clear"/>	<input type="button" value="Add Another"/>			

Consent Manufacturer Confidential Data Does Not Require Annual Report
 Partnership Resident Agent For Profit Merger Allowed

Trial Court Department
Commonwealth of Massachusetts

BROOKLINE DIVISION

NORFOLK, ss

E/H/11/1-B

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Civil Action No. 200409CV00052

SUMMONS

(Rule 4)

To defendant THOMAS J. MAY

(name)

of 22 LONG MEADOW DR, Westwood, MA, 0209

(address)

You are hereby summoned and required to serve upon _____, plaintiff('s attorney), whose address is _____, a copy of your answer to the complaint which is herewith served upon you, within 20 days after service of this summons, exclusive of the day of service. You are also required to file your answer to the complaint in the office of the Clerk of this court either before service upon plaintiff('s attorney), or within 5 days thereafter. If you fail to meet the above requirements, judgment by default may be rendered against you for the relief demanded in the complaint. You need not appear personally in court to answer the complain.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will be barred from making such claim in any other action.

Witness: THOMAS J. MAY, Presiding Justice, on _____

(date)

(SEAL)

DEC - 9

Note:

(1) BROOKLINE DISTRICT COURT

(2)

When more than one defendant is involved, the names of all defendants should appear in the action. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

The number assigned to the complaint by the Clerk at commencement of the action should be affixed to this summons before it is served.

*Brian L. Lawlor*CLERK MAGISTRATE

Clerk-Magistrate

On _____

I served a copy of the within summons, together with a copy of the complaint in this (date of service)

action, upon the with named defendant, in the following manner (see Rule 4 (d) (1-5):



Norfolk County Sheriff's Department P.O. Box 859215 Braintree, MA 02185-9215 / Tel. # (781) 326-1787
Norfolk, ss.

December 2, 2004

I hereby certify and return that on 12/1/2004 at 11:12AM I served a true and attested copy of the summons, complaint, and amended complaint in this action in the following manner: To wit, by leaving at the last and usual place of abode of Thomas J. May, 22 Longmeadow Drive Westwood MA 02090 and by mailing first class mail to the above-mentioned address on 12/1/2004. Basic Service Fee (\$20.00), Copies-Attestation (\$10.00), Conveyance (\$4.50), Postage and Handling (\$3.00), Travel (\$7.04) Total Charges \$44.54

Deputy Sheriff James E. Riggs

James E. Riggs
Deputy Sheriff

Civil
DOCKET

DOCKET NUMBER

200402CV000062

Trial Court of Massachusetts
District Court Department



CASE NAME

BOSTON EDISON COMPANY D/B/A NSTAR ELECTRIC vs. RANDOLPH GREEN A/K/A
RANDOLPH E. GREEN

Exhibit - d

ASSOCIATED DOCKET NO.	DATE FILED	DATE DISPOSED	
	02/11/2004	00/00/0000	

CURRENT COURT

Boston Municipal Court, Roxbury Div.
85 Warren Street
Roxbury, MA 02119-3294
(617) 427-7000

PLAINTIFF(S)

P01 BOSTON EDISON COMPANY D/B/A NSTAR ELECTRIC

PLAINTIFF'S ATTORNEY

THOMAS M. PALMER
500 SKYLINE DRIVE
#2
DRACUT, MA 01826
(617) 241-2815

DEFENDANT(S)/OTHER SINGLE PARTIES

D01 RANDOLPH GREEN A/K/A RANDOLPH E. GREEN
8 WOODBINE STREET
BOSTON, MA 02119

DEFENDANTS ATTORNEY

NO.	ENTRY DATE	DOCKET ENTRIES
1	02/12/2004	Complaint filed on 02/11/2004 at Boston Municipal Court, Roxbury Div..
2	02/12/2004	Appearance for Boston Edison Company D/b/a Nstar Electric filed by Attorney THOMAS M. PALMER 500 Skyline Drive #2 Dracut MA 01826 BBO# 654301
3	02/12/2004	Filing fee of \$180.00 and surcharge of \$20.00 paid (G.L. c.262 §§ 2 & 4C).
4	02/12/2004	Case Inactivated: No future events scheduled.
5	03/09/2004	Answer filed by D01 RANDOLPH GREEN.
6	03/26/2004	Answer filed by D01 RANDOLPH GREEN. on March 11,2004
7	04/12/2004	04/12/04 Answer Filed By Defendant

A TRUE COPY,
ATTEST:

CLERK-MAGISTRATE/ASST. CLERK

X

DATE

DOCKET CONTINUATION

DOCKET NUMBER

200402CV000062

NO.	ENTRY DATE	DOCKET ENTRIES
8	04/23/2004	04/15/04 Return Of Service Proved Filed
9	04/30/2004	04/29/04 Defendant Motion That Mass R.C.V.P 37A 2 Cannot Take Jurisdiction Nor Supercede Over The Constitution Of The Commonwealth Of Massachusetts Filed
10	04/30/2004	MOTION SCHEDULED FOR HEARING on 05/04/2004 02:00 PM.
11	05/03/2004	04/26/04 Motion To Compel Defendants Response To Plaintiffs First Set Of Interrogatories And Request For Production Of Documents Filed And Cert. Of Service
12	05/05/2004	05/04/04 Donnelly,J Tp# 736-04 End Tp# 737-04 Case Con't Until June 8,20044 For Pre-Trial
13	05/05/2004	MOTION SCHEDULED FOR HEARING on 06/08/2004 02:00 PM.
14	06/04/2004	06/02/04 Defendants Answers To The Plaintiff Interrogatories And Objection To The Plaintiff Interrogatories In Lieu Of Answers To The Plaintiff Interrogatories Filed
15	06/04/2004	06/02/04 Defendant Randolph E. Green File Defendant Defenses With Exhibits Documents To Plaintiffs Etal Request For Production Of Documents 1,2 And 3 Filed
16	06/08/2004	06/08/04 Donnelly,J Joint Continuance Allowed. Defendant To Call Lisa Debanise To Make An Appointment With Her Before Coming Back To Court. Case Con't Until 07/13/04 For Status
17	06/08/2004	MOTION SCHEDULED FOR HEARING on 07/13/2004 02:00 PM.
18	07/19/2004	07/13/04 Donnelly,J Case Con't Until August 13,2004 For Status
19	07/19/2004	MOTION SCHEDULED FOR HEARING on 08/13/2004 02:00 PM.
20	07/22/2004	07/02/04 Affidavit In Support Of Defendants Motion To Dismiss Plaintiff Case # 0402CV62 With Prejudice By Demand For Denial Of Due Process Of Law To The Defendant Randolph E. Green Filed
21	08/09/2004	08/06/04 Defendants Motion To Dismiss With Prejudice By Demand Support By Affidavit Filed
22	08/09/2004	08/06/04 Defendant Randolph E. Green Answers To Plaintiffs Interrogatories And Objection Reasons In Lieu Of The Answers To Plaintiffs Interrogatories Pursuant To Rule 33(3) Of Rules Of Civil Procedure Filed
23	08/09/2004	08/06/04 Memorandum Of Law Filed
24	08/13/2004	08/13/04 Sullivan,J Motion To Dismiss Civil Action No. 0402cv62 With Prejudice By Demand Supported By Affidavit After Hearing Denied
25	09/10/2004	09/03/04 Motion For Summary Judgment By Plaintiff Filed
26	09/10/2004	09/03/04 Memorandum Of Law In Support Of Plaintiffs Motion For Summary Judgment Filed
27	09/10/2004	09/03/04 Plaintiffs Affidavit Filed

A TRUE COPY,
ATTEST:

CLERK-MAGISTRATE/ASST. CLERK

X

DATE

DOCKET CONTINUATION

DOCKET NUMBER
200402CV000062

Page 3 of 3	A TRUE COPY, ATTEST: X	CLERK-MAGISTRATE/ASST. CLERK	DATE
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